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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,330

12/18/2001

Barry S. Bosik

2000-0674

8079

7590

08/19/2005

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EXAMINER

SAGAR, VIDYA S

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,330	Applicant(s) BOSIK ET AL.	
	Examiner Vidya Sagar	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/01</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,5,6 and 7 are rejected under 35 U.S.C. 102(b) as been anticipated by primary Andre Devillier , et al. (US 6,366,661).

Regarding claims 1,6 and 7 a method of managing an incoming call of a subscriber comprising: "ascertaining an online network status of the subscriber", is anticipated by primary, et al., (the SCP transmits a query to the communications server over the Internet requesting a current online status for the subscriber, (Column 6, Lines 19-23)); "indicating an incoming call to the subscriber during an online operation" is anticipated (Once the subscriber is online, an incoming call for the subscriber may be detected at the switching point associated with the subscriber, Column, lines 18-20); "and according to subscriber preferences, performing one of the step of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu to provide the subscriber with options to handle the incoming call, said options including at least one of forwarding the call to a specific number,

handling the call via a VoIP service, and sending the call to voicemail. " is anticipated (Through the Interactive graphical display, the subscriber may be provided certain options as to the disposition of the incoming call, which may included answering the call, directing the incoming call to voicemail, forwarding the call to another telephone number, or ignoring the call altogether (Column 2, lines 44-48)).

Regarding claim 5," The method of claim 1, further including the step of dynamically enabling at least one of said indicating, forwarding, and activating in accordance with an on-line status of the subscriber." is anticipated (If it is determined that the subscriber is not currently logged onto the Internet, the SCP may instruct the local switching point to route the call to the subscriber's line as normal. This may include directing the call to the subscriber's home phone. If the server returns a message indicating that the subscriber is currently online, the SCP may then perform a search of the LIDB to locate identification information for the incoming caller (Column 2, lines 27-34)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre Devillier, et al. (US 6,366,661) in view of Scott K Pickett, et al. (US 6,498,791).

Regarding claim 2 primary Andre Devillier, et al teaches all of claim 1 but does not teach the method of claim 1, wherein the network comprises one of an IP network, an Ethernet, a LAN, and a WAN. But secondary Pickett teaches IP network (FIG. 16F illustrates window 388, which may be used to configure network (e.g., IP network) settings in accordance with preferred embodiments of the present Invention. Fig. 16F, Column 50, Lines 6-9), and Ethernet, LAN and WAN (For example, data switching services may be provided such as by LAN/NDIS/DDI drivers 39 (LAN, NDIS and DDI being exemplary) through hardware modules such as switched Ethernet 45 and hub 47. Routing services may be provided such as through WAN drivers (specific network services such as PRI and T-1 being exemplary) through hardware modules such as T-1 module(s) 49, (Fig. 4 Elements 45, 39, 41, Column 14, lines 46-52)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Online call routing of Devillier to network of Pickett by using routers. Motivation being to intelligently managed and controlled for simultaneous voice, video, and data traffic

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on a cost-effective basis.

Regarding claim 3, primary Andre Devillier, et al. Teaches all of claim 1 but does not teach the method of claim 1, "The method of claim 1 wherein at least one of the ascertaining, indication, and performing steps occurs at one of a local exchange carrier, at a private branch exchange, or at equipment situated on the subscriber's premises." But secondary Pickett teaches PBX (PBX station services, such as automated attendant, reception, voice mail and the like, may be provided through station manager 43. (Fig 4, element 37, Column 14, lines 59-61)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Online call routing of Devillier to PBX of Pickett by standard analog

Telephones connected to your existing phone wiring. Motivation being to support advanced call control capabilities over IP-based networks.

Regarding claim 4, "The method of claim 1, further including storing the subscriber preferences in a memory where said preferences include at least one of a call forwarding number, a voicemail directive, and an Internet call waiting directive. " is anticipated (As illustrated in FIG. 34, telephone button window 518 preferably Includes customizable pop-up menu 520, which indicates the various programmable Features available for the digital telephones. Preferably pop-up menu 520 is

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Positioned adjacent to feature keys 480. The programmable features, for example, may include auto dial 522, call return 524, call waiting 526, camp-on 528, Centrex flash 530, Designated station select/busy lamp field 532, do not disturb 534, extension pickup 536, line appearance 538, program 540, self park 542, transfer 544, unassigned 546, user forward 548, and voice call 550 (Fig. 34, Elements 548, 550, 526 respectively, Col 58, Lines 25-35)).

CLOSING

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vidya Sagar whose telephone number is (571) 272-8196. The examiner can normally be reached on Monday thru Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vidya Sagar
Examiner
Art Unit 2666

VS

A handwritten signature in black ink, appearing to be 'Dangston', written in a cursive style.

DANGSTON
PRIMARY EXAMINER